

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CONRAD E ROSE,

Plaintiff,

vs.

APPLEBEE'S RESTAURANTS LLC,
APPLEBEE'S RESTAURANTS WEST
LLC, APPLEBEE'S FRANCHISOR LLC,
MAPLE JOINT VENTURE, MAPLE
JOINT VENTURE II LLC, MAPLE
WEST VENTURE III LLC, and MAPLE
WEST VENTURE IV LLC,

Defendants.

8:19CV311

ORDER TO SHOW CAUSE

This matter comes before the court after a review of the docket and pursuant to NECivR [41.2](#), which states in relevant part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

Plaintiffs commenced this action on July 15, 2019. ([Filing No. 1](#)). On July 24, 2019, Plaintiffs filed a document titled “Summons Returned Executed upon defendant All Defendants” purporting to show that defendants Applebee’s Restaurants LLC, Applebee’s Restaurants West LLC, and Applebee’s Franchisor LLC (collectively, “Applebee’s defendants”) were served by certified mail on July 17, 2019. ([Filing No. 11](#)). To date, the Applebee’s defendants have not filed any responsive pleading and Plaintiffs have taken no further action against the Applebee’s defendants in this case. Plaintiffs have a duty to prosecute the case and may, for example, seek default in accordance with the applicable rules, voluntarily dismiss the Applebee’s defendants, or take other action as appropriate.

Under the circumstances, Plaintiffs must make a showing of good cause for failure to prosecute or the action must be dismissed as to the Applebee's defendants.

Accordingly,

IT IS ORDERED:

- 1) On or before September 17, 2019, Plaintiffs must show cause why this case should not be dismissed as to defendants Applebee's Restaurants LLC, Applebee's Restaurants West LLC, and Applebee's Franchisor LLC for failure to prosecute or take some other appropriate action.

Dated this 27th day of August, 2019.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge